

REMARKS

This paper responds to the Office Action mailed June 3, 2004.

In response to the objection to Figure 1 of the drawings, a replacement page accompanies this response, with the Prior Art legend introduced.

Claims 1-67 are pending in this application. Claims 34-38 and 44-46 are withdrawn, but not cancelled. It is noted that the Office Action fails to recognize the presence of claims 63-67.

Claims 1-12, 13-24, 25-33, 39-43, 47-59 are rejected only under 35 USC §112, second paragraph. These claims have all been amended to address the objections raised. In particular, antecedent basis has been provided for the "database" in claims 1, 13 and 47. It is noted that claim 39 is already appropriately worded. Claim 25 has been amended to recite a transmitter and receiver as additional means of the end user terminal.

It is submitted that these amendments deal with all of the 35 USC §112 objections raised against claims 1-12, 13-24, 25-33, 39-43 and 47-59, and that these claims are therefore now in condition for allowance.

Claims 60-62 are rejected under 35 USC §102(e) as anticipated by Cobb.

Claim 60 relates to a cellular radio communication system in which different modulation scheme and forward error correction coding level pairs are dynamically allocated to transmission links, so as to give an optimum data rate at a predetermined bit error rate and a predetermined symbol rate.

Cobb relates to QPSK-based satellite communications systems.

The passage referred to by the Examiner at Col. 6, line 33 to col. 7 line 9 discusses the use of QPSK together with a "prescribed" forward error correction (FEC) code. There is no disclosure or suggestion of any adaptive modulation scheme. Instead, Cobb

simply suggests that the prescribed forward error correction code may be "high performance" (col. 6 line 51) so as "reduce the signal power required for achieving a desired bit error probability". The disclosure of Cobb is that the "injection of carrier energy" proposed by Cobb can enable high performance forward error correction codes to be used.

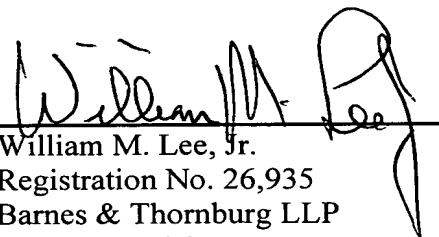
There is no disclosure or suggestion in Cobb of using matched 'pairs' of both modulation scheme and FEC. Claim 60 requires "dynamic allocation" of "different modulation scheme and forward error correction coding level pairs". This provides optimised data rates with low bit error rates for the prevailing transmission conditions.

Applicants therefore submit that claim 60 is novel and non-obvious over the prior art. Claims 61 and 62, as well as Claims 63-67 (which have not been addressed in the Office Action) are all dependent on claim 60, and it is submitted that these claims are also allowable.

In view of the amendments and comments above, Applicants submit that all claims are now allowable, and this application should therefore now be in condition for allowance. Such action is therefore solicited.

August 16, 2004

Respectfully submitted,



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